

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-10, 13, 15, and 17-23 are pending. Of these, Claims 18-19 are presently withdrawn.

Withdrawn Rejections

Applicants wish to thank Examiner Tsang for her consideration of Applicants' remarks dated July 6, 2009 and withdrawal of the 103(a) rejection against Claims 1-10, 13, 15, 17 and 20-23 over DeFrees, *et al.*, U.S. Patent No. 7,265,085 in view of Oetke, *et al* (2002) *J. Biol. Chem.* 277(8): 6668-6695.

Obviousness-Type Double-Patenting Rejections

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-94 of U.S. Patent No. 7,265,085 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 112-214 of U.S. PG Pub. 20080050772 (U.S. patent application no. 11/652,467) in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-155 of U.S. Patent No. 7,297,511 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-113 of U.S. Patent No. 7,226,903 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite

prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 10-32 of U.S. Patent No. 7,214,660 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-107 of U.S. Patent No. 7,179,617 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-94 of U.S. Patent No. 7,173,003 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 10-94 of U.S. Patent No. 7,157,277 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Appl. No. 10/549,528
Response dated September 9, 2009
Reply to Advisory Action dated July 21, 2009

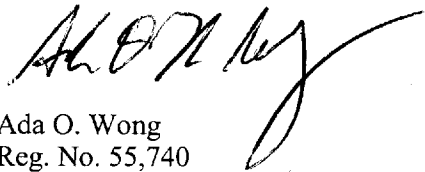
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,


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